**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR**

**FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929**

**MFA.No. 1010 of 2002()**
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**OPMV.1496/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE**
**.....**

**APPELLANT: PETITIONER IN O.P.(M.V).**
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**K. KARUNAKARAN, S/O. LATE CHANDU,**
**VALAPPIL HOUSE, ELATHOOR AMSOM DESOM,**
**P.O. ELATHOOR, KOZHIKODE.**

**BY ADV. SRI.THOMAS ANTONY**
**SRI.K.M.JAMALUDHEEN**

**RESPONDENTS: RESPONDENTS IN O.P.(M.V).**
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**1. A. VIJAYAN, S/O. SANKUNNI,**
**PARAPURATH HOUSE, CHERUVANNUR AMSOM**
**KOLATHARA DESO, P.O. KOLATHARA, KOZHIKODE.**

**2. T. LIJU YESUDAS, S/O. SIEMON,**
**KOOMANTHODIYIL HOUSE, EDAKKAD AMSOM**
**PUTHIYANGADI DESOM, KOZHIKODE.**

**3. THE ORIENTAL INSURANCE CO.LTD.,**
**BRANCH OFFICE, KINGS WAY BUILDINGS,**
**MAVOOR ROAD, KOZHIKODE.**

**4. K.P. KADEEJA, D/O. K.P. MOHAMMED KOYA,**
**MANIYAN MUDA PARAMBA, THIRUVANNUR,**
**PANNIYANKARA AMSOM DESOM, KOZHIKODE.**

**5. MOHAN, S/O. RAMANKUTTY NAIR,**
**KURUNGOTTU HOUSE, NELLIKODE AMSOM DESOM,**
**P.O. NALLIKODE, KOZHIKODE.**

**6. UNITED INDIA INSURANCE CO.LTD.,**
**DIVISIONAL OFFICE, KALLAI ROAD,**
**KOZHIKODE.**

**BY ADV. SRI.S.ARUN RAJ**
**SRI.M.JACOB MURICKAN**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

# K. PADMANABHAN NAIR, J.

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**M.F.A. NO. 1010 OF 2002**

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**Dated this the 19th day of October, 2007**

## J U D G M E N T

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**In spite of the opportunities given to the appellant to take steps to issue notice to respondents 1 and 3a and to implead the legal representatives of deceased 4th respondent or delete the 4th respondent from the party array, no steps are taken till today. So the appeal so far as it relates to R1 and R3a is dismissed for non-prosecution and so far as it relates to R4 dismissed as abated. Without them on the party array no effective adjudication can be made in this appeal.**

**So the appeal itself is dismissed for non-prosecution.**

**K. PADMANABHAN NAIR, JUDGE.**

**vsv**

**K. PADMANABHAN NAIR, J.**

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**M.F.A. NO. 1010 OF 2002**

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**J U D G M E N T**

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**19TH OCTOBER, 2007**